

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CLAUDE SLEDGE III,)	
)	
Plaintiff,)	4:09CV3090
)	
v.)	
)	MEMORANDUM AND ORDER
JOHN CLARKE,)	
)	
Defendant.)	

The parties' Rule 26(f) Report of Parties Planning Conference states the defendant intends to file a motion to dismiss based on qualified immunity. This motion should be raised and resolved at the outset of the litigation, (see [Janis v. Biesheuvel](#), 428 F.3d 795, 800 (8th Cir. 2005)), before the court enters an order for final progression of the case to trial. Accordingly,

IT IS ORDERED that the defendant's motion to dismiss based on qualified immunity shall be filed on or before October 9, 2009.

DATED this 15th day of September, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge